



NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO SUPPLEMENTARY
CODE OF FAIR COMPETITION
FOR THE
**PORCELAIN ENAMELING
MANUFACTURING INDUSTRY**

(A Division of the Fabricated Metal Products
Manufacturing and Metal Finishing
and Metal Coating Industry)

AS APPROVED ON SEPTEMBER 27, 1934



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Approved Code No. 84M—Amendment No. 1

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

PORCELAIN ENAMELING MANUFACTURING INDUSTRY

As Approved on September 27, 1934

ORDER

APPROVING MODIFICATION OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE PORCELAIN ENAMELING MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to a Supplementary Code of Fair Competition for the Porcelain Enameling Manufacturing Industry, and a Notice of Opportunity to be heard having been duly given thereon, and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said modification and the Supplementary Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby modified to include an approval of said Supplementary Code in its entirety as modified, such approval and such modification to take effect ten days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
September 27, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for a modification of Article IV of the Supplementary Code of Fair Competition for the Porcelain Enameling Manufacturing Industry by the Supplementary Code Authority for that Industry.

The Supplementary Code of Fair Competition for the Porcelain Enameling Manufacturing Industry was approved on March 31, 1934. Article IV, Section 4, provides that:

"All members of the Industry are subject to the jurisdiction of the Supplementary Code, shall be entitled to participate in and share the benefits of the activities of the Supplementary Code Authority; shall be entitled to vote in the selection of Class (a) members of the Supplementary Code Authority as provided in Section I of this Article; and shall pay their reasonable share of the expenses of the administration of this Supplementary Code, such reasonable share to be determined by the Supplementary Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable by the Supplementary Code Authority."

The above Section of Article IV in effect provides for voluntary contributions on the part of the members of the Industry. This method of providing funds for the proper administration of the Supplementary Code has been found to be unsatisfactory. The present modification is therefore proposed to create a legal obligation, on the part of the Industry Members, to pay their pro rata share of the expenses of the Supplementary Code Authority.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said modification of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair com-

petitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid modification on behalf of the industry as a whole.

(d) The modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(e) The modification and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

For these reasons, therefore, I have approved this modification.

Respectfully,

HUGH S. JOHNSON,
Administrator.

SEPTEMBER 27, 1934.

MODIFICATION OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE PORCELAIN ENAMELING MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Modify Article IV by deleting Section 4 and substituting in lieu thereof the following:

SECTION 4. (a). It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code;

2. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

3. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Supplementary Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Supplementary Code Authority shall neither incur nor pay any obligations substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain

any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Modify Article IV, Section 7 by deleting sub-sections f and g.

Renumber sub-section h to read sub-section f.

Renumber sub-section i to read sub-section g.

Approved Code No. 84 M—Amendment No. 1.

Registry No. 1033-1-02.



